

Townsville Independent School Association Inc



Conflict of interest policy

1. Statement

The Townsville Independent School Association Inc committee of management (called the 'committee' in this policy) aims to ensure that committee members are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of Townsville Independent School Association Inc.

2. Purpose

The purpose of this policy is to clarify guidelines for Management Committee Members of Townsville Independent School Association Inc. (TISAI) to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of TISAI. It will observe legislation regarding conflict of interest and ensure that TISAI and Enkindle Village School engage in school business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

3. Scope

The policy covers the types of activities which may constitute a conflict of interest, how a conflict of interest might be determined and the responsibilities of the committee with regard to declaring conflicts of interest.

4. Principles

This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the charity if they are openly and effectively managed. It is the policy of the Townsville Independent School Association Inc as well as a responsibility of the committee, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to Townsville Independent School Association Inc. Townsville Independent School Association Inc will manage conflicts of interest by requiring committee members to:

- avoid conflicts of interest where possible
- identify and disclose any conflicts of interest
- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

Responsibility of the committee

The committee is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the association

- monitoring compliance with this policy, and
- reviewing this policy on an annual basis to ensure that the policy is operating effectively.

The association must ensure that its committee members are aware of the ACNC governance standards, particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests as required by governance standard 5.

Identification and disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into Townsville Independent School Association Inc's register of interests, as well as being raised with the committee. Where all of the other committee members share a conflict, the committee should refer to governance standard 5 to ensure that proper disclosure occurs. The register of interests must be maintained by the Secretary, and record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

5. Confidentiality of disclosures

Action required for management of conflicts of interest

Conflicts of interest of committee members

Once the conflict of interest has been appropriately disclosed, the committee (excluding the committee member disclosing and any other conflicted committee member) must decide whether or not those conflicted committee members should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a committee member from regularly participating in discussions, it may be worth the committee considering whether it is appropriate for the person conflicted to resign from the committee.

What should be considered when deciding what action to take

- In deciding what approach to take, the committee will consider whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the association's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the association.

The approval of any action requires the agreement of at least a majority of the committee (excluding any conflicted committee member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.

6. Definition

Conflict of Interest

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the charity. Personal interests include direct interests as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder). It also includes a conflict between a committee member's duty to Townsville Independent School Association Inc and another duty that the committee member has (for example, paid employment). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the charity and must be managed accordingly.

7. Legislation

Australian Charities and Not-for-Profits Commission Regulation 2013 s45.25 Governance Standard 5 - (2) – A registered entity must take reasonable steps to ensure that its responsible entities are subject to, and comply with, the following duties:

- to disclose perceived or actual material conflicts of interest of the responsible entity.

[Note: A perceived or actual material conflict of interest that must be disclosed includes a related party transaction.]

Associations Incorporation Act 1981 – requires that Committee Members must avoid actual or potential conflicts between their interests and those of the Association and not exploit business opportunities for themselves at the expense of the Association.

Education (Accreditation of Non-State Schools) Act 2017 – allows that in assessing the suitability of a governing body, the Accreditation Board may have regard to:

- whether the governing body has appropriate guiding principles and procedures for identifying, declaring and dealing with any conflict of interest a committee member of the governing body may have relating to an aspect of the operation of the school.

8. Compliance with this policy

If the committee has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the committee may take action against them. This may include seeking to terminate their relationship with the association.

If a person suspects that a committee member has failed to disclose a conflict of interest, they must take one or all of the following actions:

- discuss with the person in question
- notify the committee
- and/or notify the person responsible for maintaining the register of interests

9. Version Control

Approval Details

Policy Sponsor	Secretary
Approval authority	Management Committee
Version Number	3
Date for next review	February 2023

Modification History

Version no.	Approval date	Implementation date	Details
2	16.08.18	16.08.18	Updated: Reference to <i>Education (Accreditation of Non-State Schools) Act 2017</i>
3	30.07.2019	31.07.2019	

Sample Declaration of Conflict of Interest

Townsville Independent School Association Inc.

Incorporation Number IA56389

Declaration of Conflict of Interest

I wish to declare the following personal interest that conflicts or may conflict with the discharge of my responsibilities as a committee member of Townsville Independent School Association Inc. in a matter in which the organisation has an interest or which is under consideration by the School.

[Explain nature of conflict]

Signed:.....

Date:

Full Name of Committee Member:

This declaration was tabled and minuted at the Townsville Independent School Association Inc. meeting at [place] on [DATE].

Course of action directed by the Management Committee to resolve the conflict of interest:

[e.g., Committee Member asked to leave the meeting during matter related to the conflict]

Signed:.....

Date:

Chair: